

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for FEBRUARY 16, 2005 PLANNING COMMISSION MEETING

**P.A.S.:** Waiver #05001

**PROPOSAL:** Waive sidewalk along Progressive Ave. and street trees along N. 48<sup>th</sup> St. associated with Pierce Rentfro Industrial Plaza 1<sup>st</sup> Addition.

**LOCATION:** Southwest corner of N. 48<sup>th</sup> St. and Superior St.

**LAND AREA:** 10.89 acres, more or less

**CONCLUSION:** Pierce-Rentfro Industrial Plaza 1<sup>st</sup> Addition final plat was approved on December 3, 1993. The subdivision ordinance requires that sidewalks and street trees be installed within four years of the final plat approval.

The City waived sidewalks along Progressive Avenue with the preliminary plat and requiring a sidewalk along one lot for the entire street does not provide a sidewalk system. This sidewalk would not connect to any other sidewalk. If the City feels a sidewalk is necessary on Progressive Avenue, the City could create an assessment district.

There are no unusual circumstances that would warrant the waiver of street trees along N. 48<sup>th</sup> St. The installation of street trees does not create a hardship or injustice to the subdivider.

|                               |
|-------------------------------|
| <b><u>RECOMMENDATION:</u></b> |
| Sidewalk                      |
| Street Trees                  |
| Approval                      |
| Denial                        |

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 1-4, Pierce-Rentfro Industrial Plaza 1<sup>st</sup> Addition, located in the NW 1/4 of Section 8, Township 10 North, Range 7 East, Lancaster County, NE

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Industrial and undeveloped

## **SURROUNDING LAND USE AND ZONING:**

|            |            |
|------------|------------|
| North: I-1 | Industrial |
| South: I-1 | Industrial |
| East: I-1  | Industrial |
| West: I-1  | Industrial |

## **HISTORY:**

|                         |   |
|-------------------------|---|
| <b>April 19, 1971</b>   | Pierce-Rentfro Industrial Plaza preliminary plat was approved by the City Council.              |
| <b>May 8, 1972</b>      | Pierce-Rentfro Industrial Plaza final plat was accepted by the City Council                     |
| <b>December 3, 1993</b> | Pierce-Rentfro Industrial Plaza 1 <sup>st</sup> Addition was approved by the Planning Director. |

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

"Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents." (F-18)

"Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile." (F-19)

"Streets and public spaces should be safe, comfortable, and interesting to the pedestrian." (F-19)

"Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process." (F-66)

"Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods." (F-66)

The sidewalk system should be complete and without gaps." (F-89)

"The trees that shelter homes from the elements, purify the air, provide wildlife habitat, stabilize the soil, and define the character of neighborhoods and business areas have all essentially been planted and nurtured. It is recognized that trees, both occurring naturally and planted and managed, are essential to the quality of life of residents and the character of the community." (F-140)

**TRAFFIC ANALYSIS:** Superior St. and N. 48<sup>th</sup> St. are classified as arterials. N. 48<sup>th</sup> St. is shown as a proposed project for 4 lanes + turn lanes in the 2025 Comprehensive Plan. Progressive Avenue is a local street.

**ANALYSIS:**

1. This is a request to waive street trees on N. 48<sup>th</sup> St along Lots 2, 3 and 4, and sidewalk on Progressive Ave. along Lot 1 Pierce-Rentfro Industrial Plaza 1<sup>st</sup> Addition.
2. The applicant's letter requests a waiver of the sidewalk for Lot 11, Block 1, Pierce - Rentfro Industrial Plaza. This is in error. There are no outstanding improvements for Pierce-Rentfro Industrial Plaza. The sidewalk waiver is for Lot 1 Pierce-Rentfro Industrial Plaza.
3. Section 26.27.020 of the Land Subdivision Ordinance states that sidewalks shall be constructed on both sides of all streets within the subdivision and on the side of the streets abutting the subdivision.
4. Section 26.27.090 of the Land Subdivision ordinance states that street trees shall be planted along both sides of all streets. Street trees shall be planted in the private property abutting major streets.
5. Sidewalks were waived with Pierce-Rentfro Industrial Plaza preliminary plat. Street trees were not a requirement of a subdivision when the preliminary plat was approved. Although the installation of sidewalks and street trees were not required with the initial final plat, when the land is resubdivided the requirements at the time the new plat is submitted apply.
6. A condition for approval of the final plat was to install the sidewalks in Progressive Ave. and street trees in N. 48<sup>th</sup> St. These improvements were required to be installed by December 3, 1997.
7. The rationale that street trees cannot be planted along N. 48<sup>th</sup> St. because the street has not been improved and the drives have not been established is not valid. The final plat relinquished direct vehicular access to N. 48<sup>th</sup> St. except as shown. The final plat identifies where the drives to N. 48<sup>th</sup> St. are to be located. The final plat also dedicated the additional right-of-way required for the street widening and street trees along major streets must be planted on private property.
8. Section 26.31.010 of the Land Subdivision Ordinance states, "Whenever a lot, tract, or parcel of land is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements

contained in these regulations would result in actual difficulties or substantial hardship or injustice, the subdivider may request a modification of such requirements. The applicant has shown no hardship.

Prepared by:

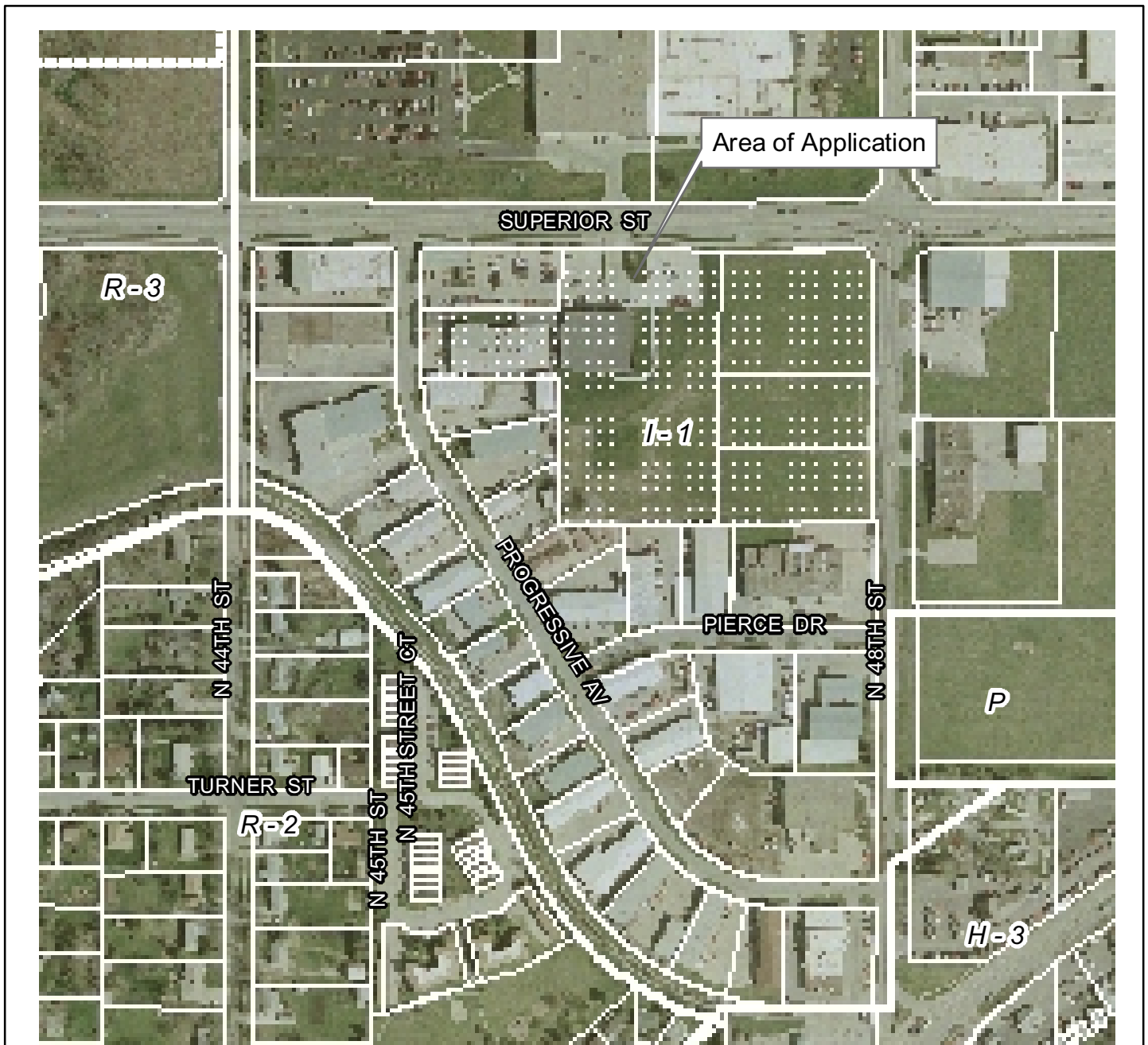
Tom Cajka  
Planner

**DATE:** February 2, 2005

**APPLICANT:** LICOR, Inc.  
4421 Superior St.  
Lincoln, NE 68504

**OWNER:** Same as applicant

**CONTACT:** Michael S. Bott  
6800 Van Dorn St.  
Lincoln, NE 68506



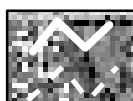
2002 aerial

## Waiver #05001 Progressive Ave. & Superior St.

### Zoning:

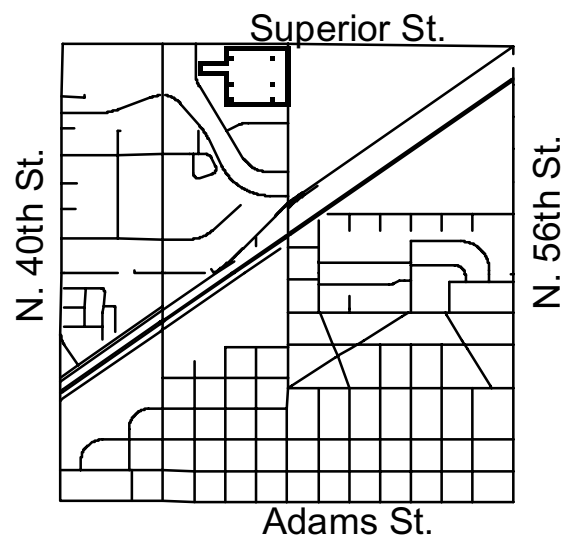
|            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

One Square Mile  
Sec. 8 T10N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



All dimensions are chord measurements unless shown otherwise or decimals of a foot.

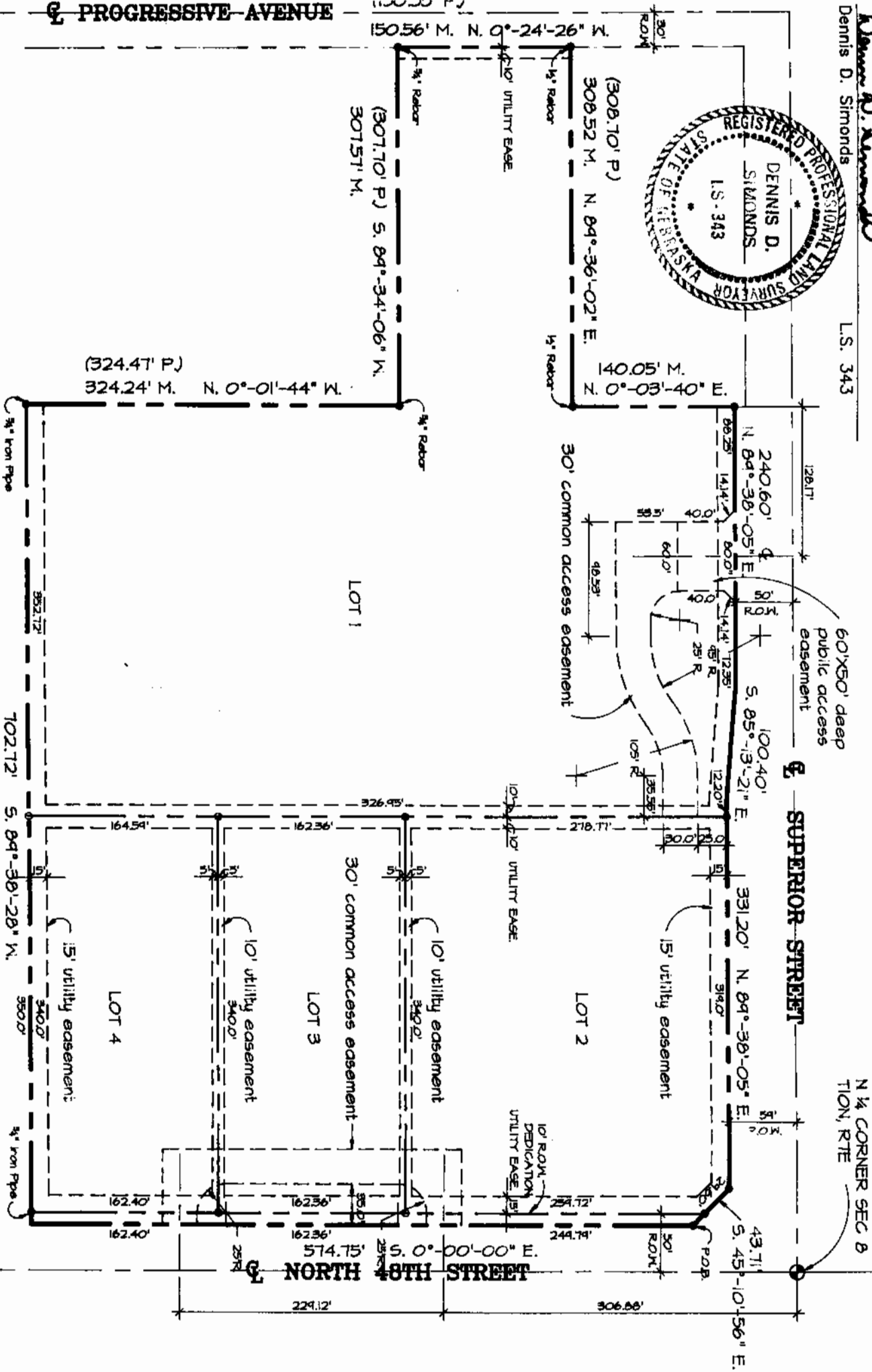
PIERCE RENTRO INDUSTRIAL PLAZA  
1st ADDITION

Signed this 24th day of November 1993

*Dennis D. Simonds*

Dennis D. Simonds

L.S. 343



# INTER-DEPARTMENT COMMUNICATION

## CITY OF LINCOLN PARKS & RECREATION DEPARTMENT

**DATE:** 1, 2005

To: **TO:** ajka

**SECTION:** Planning

**FROM:** Steve Nosal

**SUBJECT:** Pierce Rentfro Industrial Plaza 1<sup>st</sup>. Addition

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The Lincoln Parks and Recreation staff have reviewed the above and have the following comments to make.

- 1.) The Parks and Recreation Department does not support the request for Street Tree Wai



# Michael S. Bott & Associates Architects

Suite 102 Lincolnshire Square 1540 South 70th Street Lincoln, Nebraska 68506 Ph. 402/483-4024 Fax 402/483-4488

P.C.

January 19, 2005

Marvin Krout AICP  
Planning Director  
City Planning Department  
555 S 10th Street  
Lincoln, NE 68508

**RE: Wavier of sidewalk for Li-cor Inc., Superior Str. & Progressive Ave.  
and wavier of street trees along N. 48<sup>th</sup> Street adjacent to Pierce-Rentfro  
Industrial Plaza 1<sup>st</sup> .**

Dear Marvin,

We request wavier of the public sidewalk for Lot 11, Block 1, Pierce Rentfro Industrial Plaza and the street tree requirements for Lots 2, 3 and 4, Pierce Rentfro Industrial Plaza 1<sup>st</sup> Addition, LLCN. These requirements along with several other specific work items were brought to our attention by Nina Vejnovich, of the Law department and apparently date back to the subdivision of these lots in 1997. We are willing to do whatever is needed to provide a good environment around our property, but in the interest of avoiding waste, we make this request.

We request a wavier of the sidewalk requirement because there is no sidewalk system on Progressive avenue to connect to, and it seems a waste of green space to have a 60' piece of sidewalk standing alone in an industrial area.

We also request a wavier of the street tree requirement for 10-Schwedler Maple trees along N. 48<sup>th</sup> Street, because that portion of roadway is scheduled for curb, gutter and storm sewer in the future and any street trees along that stretch would be fodder for the paving contractor. We also have no plans for the development of the adjacent parcel at this time, so the location of curb cuts is unpredictable. This would mean that any planting we do, would have a good chance of being in the wrong location.

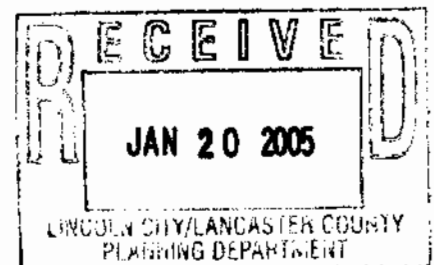
I am authorized to agree that if 48<sup>th</sup> Street is improved, and Li-cor develops the adjacent parcel, we would be willing to provide street trees in accord with the City Forrester's requirements. This would be a requirement that would be met during the building permit process for such development.

Please find enclosed, a check the \$125.00 fee for this wavier process.

If you have any questions regarding this request, please let me know.

Sincerely,

Michael S. Bott  
Architect  
Encl.







Dana W. Roper, City Attorney  
575 South 10th Street  
Suite 4201  
Lincoln, Nebraska 68508

Civil fax:  
402-441-8812  
Pros. fax:  
402-441-8813

Civil Division  
James D. Faimon  
Steven J. Huggenberger Joel D. Pedersen  
Connor L. Auster Margaret M. Blatchford  
Tonya L. Skinner Joe J. Rupp

Prosecution Division  
Patrick C. Campbell Christine A. Loseke  
Rob E. Caples Marcee A. Brownlee  
Jessica Kerkhofs

**LINCOLN**  
The Community of Opportunity

MAYOR COLEEN J. SENG

[www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

27 September 2004

LI-COR INC.,  
Mr. William Briggs  
4421 Superior  
Lincoln, NE 68504

RE: Pierce Rentfro Industrial Plaza 1st

Dear Mr. Briggs:

Upon review of our files we note that LI-COR INC has failed to comply with the conditions of approval of the Resolution accepting and approving the plat designated as Pierce Rentfro Industrial Plaza 1<sup>st</sup> Addition. Specifically our records show the following requirements have not been met:

1. Sidewalks, specifically the sidewalk along the east side of North 44<sup>th</sup> Street has not been completed. 10
2. Storm Sewers (please note, we just need engineer certification that this is complete). 2 1-
3. Street Trees.

The above requirements were scheduled to be completed by 1995 for the storm sewers and 1997 for the sidewalks and street trees.

If you believe our records are incorrect on any of the above please let me know. Otherwise, please let me know when the improvements will be installed.

Your failure to respond to this letter or to make satisfactory arrangements for the installation of those improvements within twenty eight (28) days from the date of this letter will leave the City with no recourse but to draw upon the security fund that is being held for each requirement.

Yours truly,

N.M. Ujnovich  
Nina Vejnovich  
Paralegal

cc Rick Peo  
Assistant City Attorney

